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ORIGINAL 9.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISIONS/CHARLES HADDAD,
Plaintiff,
vs.JUDGE : Taylor, Anna Diggs
DECK : S. Division Civil Deck
DATE : 12/20/2004 @ 13:59:30
CASE NUMBER : 2:04CV74932
CMP CHARLES HADDAD VS. INDIANA
PACERS, ET AL (SI) JMCINDIANA PACERS, an assumed name, a/k/a
PACERS BASKETBALL CORPORATION, an
Indiana corporation, JERMAINE O'NEAL and
ANTHONY JOHNSON, Jointly and Severally,

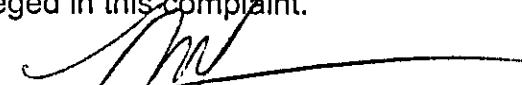
Defendants.

MAGISTRATE JUDGE DONALD A. SCHEER

L.S. CHARFOOS P11799
JASON J. THOMPSON P47184
Charfoos & Christensen, P.C.
Attorneys for Plaintiff
5510 Woodward Avenue
Detroit, MI 48202
(313) 875-8080

COMPLAINT AND DEMAND FOR JURY TRIAL

There is no other pending or resolved civil
action arising out of the same transaction or occurrence
alleged in this complaint.


L.S. CHARFOOS P 11799
JASON J. THOMPSON p47184
Attorney for Plaintiff

NOW COMES Plaintiff, by and through his attorneys, CHARFOOS &
CHRISTENSEN, P.C., and for her cause of action against the Defendants, jointly and
severally, states the following:

The Parties

1. Plaintiff Charles Haddad is, and was at all times pertinent, a citizen and resident of Burt, Michigan.
2. Defendant Indiana Pacers is an assumed name for Pacers Basketball Corporation, an Indiana corporation, with its principal place of business in Indianapolis, Indiana.
3. Defendant Jermaine O'Neal is, and was at all times pertinent, a resident of Indianapolis, Indiana.
4. Defendant Anthony Johnson is, and was at all times pertinent, a resident of Indianapolis, Indiana.
5. On November 19, 2004, Defendants O'Neal and Johnson, as employees and/or agents of Defendant Indiana Pacers, were engaged in professional basketball competition with The Detroit Pistons at the Palace of Auburn Hills, in Auburn Hills, Michigan.

Jurisdiction and Venue

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332, as the Plaintiff is a citizen of a different state than Defendants, and the amount in controversy exceeds Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest and costs.

Claims for Relief

FACTS

7. On Friday, November 19, 2004, Plaintiff, a season ticket holder, was in attendance at the basketball game between the Detroit Pistons and Defendant Indiana Pacers.

8. Certain players of the Indiana Pacers, as the game was ending, wrongfully removed themselves from the playing court and entered into the stands where fans were assembled.

9. A brawl of some celebrity ensued.

10. The brawl, not having anything to do with the flow of the game, resulted in the games termination.

11. During the melee Ron Artest, one of the players, came down on the court, heading toward patrons near the basket.

12. One of the patrons was a Mr. Shackleford, who was moving forward, when he came into confrontation with Ron Artest.

13. An exchange of fisticuffs appeared to have occurred between Ron Artest and Patron, Mr. Shackleford.

14. Plaintiff Charles Haddad was behind Mr. Shackleford, and during the fight between Messrs. Artest and Shackleford, Plaintiff was knocked down by Ron Artest.

15. Before he could get up, and while he was still face-down, Plaintiff was jumped upon by Defendant Anthony Johnson, and pounded repeatedly in the back

of his neck, head, kidneys and other proximate anatomical areas for a period of time. Palace security guards had to pull Defendant Mr. Johnson off Plaintiff.

16. Plaintiff was obviously physically injured by the attack of Defendant Johnson, and had to be helped to his feet by the security guards.

17. While he was being helped to his feet and while still groggy, unbelievably Defendant Jermaine O'Neal came running from middle court toward the helpless Plaintiff, and struck him barehanded with a windup punch that has been seen and replayed on videotape around the world. He flattened Plaintiff, as that terminology is used in the sport of boxing.

18. The punch by Defendant O'Neal was to Plaintiff's face.

19. Plaintiff had to be moved from the Palace by stretcher to an EMS-type vehicle, and then transported to the nearest emergency room, which was Pontiac Osteopathic Hospital.

20. Plaintiff has suffered severe and significant injuries, not the least of which are concussion, damage to the head, face, cheek, gums and brain, as well as injuries to the back and kidney area.

21. Plaintiff is still under medical treatment as a result of those injuries.

22. Plaintiff has lost substantial amounts of time from work, and will continue to do so for the foreseeable future.

23. Plaintiff has suffered pain and distress from his physical injuries, emotional distress, humiliation and anguish, medical expenses, and Plaintiff requests punitive and exemplary damages allowed under law.

COUNT I – ASSAULT AND BATTERY

24. Plaintiff incorporates all allegations in the preceding paragraphs of his Complaint, as though fully set forth herein.

25. On November 19, 2004, Plaintiff, a season ticket holder, was intentionally, brutally and viciously assaulted and beaten by Defendants Johnson and O'Neal while they were in the course of their employment with Defendant Indiana Pacers.

26. The acts of assault and battery by Defendants Johnson and O'Neal were committed within the scope of their employment and/or agency with Defendant Indiana Pacers.

27. As a proximate result of the assault and battery inflicted upon him, Plaintiff has suffered numerous injuries and damages.

COUNT II – WANTON AND WILLFUL MISCONDUCT

28. Plaintiff incorporates all allegations in the preceding paragraphs of his Complaint, as though fully set forth herein.

29. The attacks by Defendants Johnson and O'Neal were intentional, and as such constitute wanton and willful misconduct.

30. At the time of these attacks, Defendants Johnson and O'Neal were employees and/or agents of Defendant Indiana Pacers.

RELIEF SOUGHT

31. Plaintiff incorporates all allegations in the preceding paragraphs of his Complaint, as though fully set forth herein.

32. As a result of the assault and battery, and wanton and willful conduct of Defendants, Plaintiff requests monetary damages as follows:

- (a) Compensatory damages against Defendants in an amount deemed appropriate by the trier of the facts, including, without limitation, medical and medical-related expenses, loss of earnings, earning capacity, etc.
- (b) Punitive or exemplary damages as allowed by law.
- (c) Pre-judgment and post-judgment interest, and all damages allowed by law.
- (d) Damages for past and future mental and emotional distress.
- (e) Such other and further relief as the Court deems just and proper.

CHARFOOS & CHRISTENSEN, P.C.

By: _____
L. S. CHARFOOS P11799
JASON J. THOMPSON P47184

Attorneys for Plaintiff
5510 Woodward Avenue
Detroit, MI 48202
(313) 875-8080

Dated: December 20, 2004

DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, by and through his attorneys, CHARFOOS & CHRISTENSEN, P.C., and demands trial by jury in the above-entitled cause of action.

CHARFOOS & CHRISTENSEN, P.C.

By:


JASON J. THOMPSON P47184
Attorneys for Plaintiff
5510 Woodward Avenue
Detroit, MI 48202
(313) 875-8080

Dated: December 20, 2004

CIVIL COVER SHEET COUNTY IN WHICH THIS ACTION AROSE: Oakland

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

I. (a) PLAINTIFFS

CHARLES HADDAD

(b) County of Residence of First Listed Burt, MI

(C) Attorney's (Firm Name, Address, and Telephone Number)

L.S. CHARFOOS P11799
 JASON J. THOMPSON P47184
 5510 Woodward Ave., Detroit, MI 48202

DEFENDANTS

04-74932

INDIANA PACERS, an assumed name,
 a/k/a PACERS BASKETBALL CORPORATION,
 an Indiana corporation, JERMAINE
 O'NEAL AND ANTHONY JOHNSON, J/S
 County of Residence of First Listed Indianapolis, IN

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
 LAND INVOLVED.

Attorneys (If Known)

MAGISTRATE JUDGE DONALD A. SCHEER
 ANNA DIGGS TAYLOR

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)
 2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item 111)

Citizen of This State	<input checked="" type="checkbox"/> PLA 1	<input type="checkbox"/> DEF 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PLA 4	<input type="checkbox"/> DEF 4
Citizen of Another	<input type="checkbox"/> PLA 2	<input checked="" type="checkbox"/> DEF 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> PLA 5	<input type="checkbox"/> DEF 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> PLA 3	<input type="checkbox"/> DEF 3	Foreign Nation	<input type="checkbox"/> PLA 6	<input type="checkbox"/> DEF 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault Libel And Slender	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce/ICC
<input type="checkbox"/> 150 Recovery of Overpayment and Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> PERSONAL PROPERTY		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 810 Selective Service	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 870 Customer Challenge 71 LISC 3418	
<input type="checkbox"/> 190 Other Contract	<input checked="" type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 891 Agricultural Act	
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 892 Economic Stabilization Act	
			<input type="checkbox"/> 893 Environmental Matters	
			<input type="checkbox"/> 894 Energy Allocation Act	
			<input type="checkbox"/> 895 Freedom of Information Act	
			<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
			<input type="checkbox"/> 950 Constitutionality of State Statutes	
			<input type="checkbox"/> 890 Other Statutory Actions	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence		
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> Habeas Corpus:		
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other		
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		

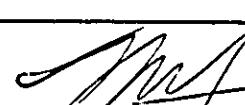
V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 (specify) 6 Multi district Litigation 7 Judge from Magistrate

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause.
 Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. 1332

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 \$DEMAND CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) instructions: (See N/A
 IF ANY
 JUDGE 
 DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

December 20, 2004

URSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Yes
 No

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
